

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JUDY MARIE MCCREARY,)
)
)
 Plaintiff, pro se,)
 v.)
)
 VAUGHAN-BASSETT FURNITURE) 1:05CV413
 CO., INC.,)
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)
)
 Defendant.)

O-R-D-E-R

This matter is before the court on motions from Defendant to compel (docket no. 42) and from Plaintiff to extend the time to respond to discovery and extend the discovery period (docket no. 44). The motion to compel will be granted, and Plaintiff will be given a limited extension of the discovery period as set out below.

Defendant presents that it served discovery long ago and that Plaintiff has neither responded to the discovery nor responded to Defendant's informal, non-judicial efforts to obtain discovery. Now in her formal court filing, Plaintiff has requested that she be allowed an extension until November 1, 2006, to comply with discovery. In addition, apparently claiming that she is physically unable to timely prosecute this case, Plaintiff has asked the court to extend the discovery period an additional four months.

First, Defendant's motion to compel will be granted. Plaintiff must respond to Defendant's discovery requests, and in addition, Plaintiff must serve Defendant with her Rule 26(a)(1) initial disclosures. Considering that Plaintiff has assured the court and Defendant that she is able to comply by November 1, 2006, **PLAINTIFF IS HEREBY ORDERED TO FULLY RESPOND TO DEFENDANT'S DISCOVERY AND SERVE DEFENDANT WITH HER RULE 26(a)(1) INITIAL DISCLOSURES NO LATER THAN NOVEMBER 1, 2006.** Assuming that Plaintiff fully complies with this order, the court will hold Defendant's request for attorney fees and expenses in abeyance anticipating that the court will not have to take up this matter again. Plaintiff is cautioned, however, that the court is not denying the request for fees and expenses and is fully prepared to award Defendant its costs in the event of non-compliance with this order. Moreover, the court will re-visit this fee and expense request should Plaintiff fail in her future obligations to either Defendant or to the court.

As noted, Plaintiff has asked for an extension of the discovery period for an additional four months. Plaintiff says that her physical condition has been weakened by various maladies and she claims to be under the care of two doctors. Discovery will be extended until December 29, 2006. The court will not permit further extensions unless a request for such an extension is supported by medical records showing the extent of Plaintiff's condition.

For the foregoing reasons, Defendant's motion to compel (docket no. 42) is GRANTED to the extent set out above, and Plaintiff's motion to extend the discovery period (docket no. 44) is GRANTED to the extent that the deadline for the close of discovery is set at December 29, 2006.


WALLACE W. DIXON
WALLACE W. DIXON
United States Magistrate Judge

Durham, NC

October 27, 2006